

Ted Gerard

Monday, January 22, 2024

VIA ECF

Hon. Judge Dale E. Ho, U.S.D.J.  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Room 105 New York, NY 10007

RE: Ted Gerard v. 1199 National Benefit Funds, et al., Civil Action No.: 23-CV-7950 (DEH)

Dear Honorable Judge Ho,

I am writing this letter because I was anticipating assistance with amending my complaint as well as with any motions and/or responses from my contact at NYLAG Benjamin Rhind. Unfortunately, it has recently come to my attention that Mr. Rhind has left NYLAG without informing me of his departure or the status of the amended complaint. I have reached out and left several messages for the current person at NYLAG who is in charge of assisting me with my complaint, but I have yet to receive a response. It is for this reason that I respectfully ask the court for a 30-day continuance so I can research case law and prepare a proper response to opposing council's Motion to Dismiss. I would also like to take this time to notify the court that I will be submitting for Pro Bono assistance. I was granted such assistance by the court for mediation which opposing council has refused to participate in as they did with the EEOC and I ask the court to grant me the same assistance with the continuing litigation of this case.

Application **GRANTED IN PART**. Plaintiff shall file any opposition to Defendants' motion to dismiss by **March 8, 2024**. Defendants shall file any reply by **March 22, 2024**. Plaintiff's request for appointment of pro bono counsel is **DENIED**, without prejudice to renewal. *See Hall v. Pease*, 229 F.3d 1135 (2d Cir. 2000) ("[V]olunteer lawyer time is a scarce and precious commodity."). Plaintiff may renew his request if Defendants' motion to dismiss is denied. Plaintiff is apprised that as a pro se litigant, his submissions will be construed liberally and interpreted to raise the strongest arguments that they suggest. *See Saeli v. Chautauqua Cty., N.Y.*, 36 F.4th 445, 457 (2d Cir. 2022). So Ordered. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 25.

Respectfully Submitted to the Court ,  
By Pro Se Litigant  
Ted Gerard



Dale E. Ho  
U.S. District Judge

Dated: January 24, 2024  
New York, New York